

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, November 5, 2012 at
6:00 P.M.**

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

EXECUTIVE SESSION-6:00 P.M.

- 1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Litigation –Tax Appeal (Mitchell’s Lane- Plat 123 Lot 18), (5) Lease (Crown Castle Cell Tower)**

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:00 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Tax Appeal settlement.

On motion of Vice President Long, duly seconded, it was voted unanimously to authorize letter of agreement to be executed by Finance Director, after review by the Town Solicitor.

On motion of Vice President Long, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

PUBLIC FORUM SESSION

2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation

form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

On motion of Vice President Long, duly seconded, it was voted unanimously to act as a Board of License commission.

ACTING AS A BOARD OF LICENSE COMMISSION

3. (Public Hearing Advertised)

Application of KJ's Pub, LLC dba KJ's Pub, 61 Aquidneck Avenue, for RENEWAL of its Alcoholic Beverage License for the 2012-2013 licensing year.

Public hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

4. Application of St. Lucy's Church, 909 West Main Road, for a Class F-1 Alcoholic Beverage License for use at the same premises - Event December 1, 2012.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene as a Town Council.

CONSENT

- 5. Approval of Minutes, re: Regular Meeting, October 15, 2012.**

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

- 6. Memorandum of Finance Director thru Town Administrator, with enclosure, re: FY2013 Municipal Financial Report – Quarter ending September 30, 2012.**

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and report.

- 7. Communication of Finance Director, with enclosure, re:**

Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

8. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

9. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

10. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

11. Communication of Peter A. Healey, P.E., Chief Civil Engineer, Environmental Resources/Highway Engineering, with enclosure, re: ADA Improvements to Greene Lane Middletown, RI, RIC No. 95105, RIFAP No. STP-AWDA (001), Project Notification.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

12. Communication of Linsey J. Callaghan, Supervising Planner,

Department of Administration, Division of Planning, re: Highway Functional Classification Amendment, Town of Middletown – Greene Lane.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

13. Communication of Luis Rodriguez, P.E., Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, with enclosures, re: Case No. 13-01-0219A – Determination if 969 West Main Road is within an identified Special Flood Hazard Area.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

14. Communication of Town Clerk, Town of Charlestown, with enclosures, re: Resolution in support of Low and Moderate Income

Housing Act.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

15. Communication of J. Clement Cicilline, M.S. President & CEO, Newport County Community Mental Health Center, re: Appreciation for donation in support of NCCMHC's 4th Annual Bike-a-thon.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

16. Applications three (3) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

On motion of Vice President Long, duly seconded, it was voted

unanimously to grant said Special Event permits.

17. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, for the 2012-2013 licensing year. (See attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

LICENSES

18. Application of James J. Gaston, Middletown for a Private Detective License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

19. Application of Niaz Ahmad dba N·Y·F·C Food Mart, 390 West Main Road, for a Victualling House License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

20. Application of Niaz Ahmad dba N·Y·F·C Food Mart, 390 West Main Road, for a Holiday License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

21. Application of Nutrition Ambition, LLC dba Daily Shake, 883 West

Main Road, for a Victualling House License for the 2011-2012 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

22. Application of Nutrition Ambition, LLC dba Daily Shake, 883 West Main Road, for RENEWAL Victualling House License for the 2012-2013 licensing year.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.

PUBLIC HEARING

23. (Public Hearing Advertised)

Application of Marylous News, Inc. dba Marylous Coffee, 207 East Main Road, for RENEWAL of Additional Hours of Operation License for the 2012-2013 licensing year.

Public Hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

TOWN ADMINISTRATOR COMMUNICATION

24. Memorandum of Chief Pesare thru Town Administrator, with enclosures, re: Stop Sign Request – Wood Road and Oakwood Road intersection.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice President Long, duly seconded, it was voted unanimously to direct the Town Clerk to prepare an ordinance for December 3, 2012 Regular Meeting of the Council.

25. Memorandum of Chief Pesare thru Town Administrator, with enclosures, re: Traffic Study of intersection Wolcott Avenue and Reservoir Road.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

Town Administrator Shawn Brown requested that this matter be continued to the December 3, 2012 Regular Meeting of the Council.

On motion of Vice President Long, duly seconded, it was voted unanimously to continue this matter to the December 3, 2012 Regular Meeting of the Council.

26. Memorandum of Town Planner thru Town Administrator, re: Consultant Selection – MIDD-013-003- North Easton Pond Watershed, Storm Water Phosphorous Attenuation Feasibility Study.

Town Planner Ronald Wolanski reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

27. Resolution of the Council, re: Award of Contract for North Easton Pond Watershed, Storm Water Phosphorous Attenuation Feasibility Study.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

28. Memorandum of Town Planner thru Town Administrator, re: 2013 RIDEM Recreational Trails Grant Program.

Town Planner Ronald Wolanski reviewed the memorandum, entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

29. Resolution of the Council, re: Authorizing submission of RIDEM Recreational Trails Grants applications.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

APPOINTMENTS TO BOARDS & COMMITTEES

Council President Weber recused himself from acting on the following items of business.

30. Appointment of one (1) member to the Middletown School Committee for a term expiring November 2014.

Vice President Long Presiding

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Vice President Long reviewed the process followed to fill the School Committee term.

Councillor Semonelli noted that it was a difficult decision, explaining that all candidates were highly qualified.

Councillor Semonelli nominated Paul Mankofsky, duly seconded.

Councillor Cambra nominated Timothy Brown, duly seconded.

On motion of Vice President Long, duly seconded, it was voted unanimously to close nominations.

At vote was taken to appoint Paul Mankofsky to fill the School Committee term expiring November 2014; All in Favor.

Council President Weber Presiding

Councillor Cambra thanked residents for the opportunity to serve the community. Mr. Cambra also thanked all Town Elected Officials and appointed employees for their support and assistance.

Council President Weber noted it has been a pleasure to serve the community. Mr. Weber also thanked all Town Elected Officials and appointed employees for their support and assistance.

Vice President Long thanked the residents of Middletown for letting him serve them.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 7:25 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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